

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARRINGTON *et al.*

Appl. No. *To be assigned*

Filed: Herewith

For: **Artificial Mammalian  
Chromosome**

Confirmation No. *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 1522.0010004/MAC/LBB

**Preliminary Amendment**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination on the merits, Applicants request entry of the following amendments.

***Amendments***

***In the Specification:***

Please insert this as the first line of the specification below the title:

***Cross Reference to Related Applications***

This application is a continuation of U.S. Application No. 08/643,554, filed May 6, 1996 which is a continuation-in-part of U.S. Application No. 08/487,989 filed June 7, 1995 (U.S. Patent No. 5,695,967).

Please insert the following as the first paragraph of the "Brief Description of the Drawings" at page 14 prior to the paragraph beginning at line 22 of that page.

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

***In the Claims:***

Please cancel the following claims without prejudice or disclaimer: 1, 3, 5, 7, 9, 11, 12, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33-40, 43, 46, 48, 50, 52, 53-57 and 58.

Please add the following new claims.

Claim 59. A composition comprising the artificial mammalian chromosome of claim 2.

Claim 60. A mammalian cell comprising the artificial chromosome of claim 2.

Claim 61. A composition comprising the DNA of claim 18.

Claim 62. A mammalian cell comprising the purified DNA of claim 2.

Claim 63. A vector comprising the DNA of claim 18.

Claim 64. A method of making an artificial chromosome, said method comprising introducing the purified DNA of claim 18 into a mammalian cell.

Claim 65. A method of expressing a gene in a mammalian cell, said method comprising propagating a mammalian cell containing the artificial chromosome of claim 2, wherein said chromosome contains said gene or contains a DNA sequence that allows expression of said gene.

Claim 66. A method of expressing a heterologous gene in a mammalian cell,

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said method comprising propagating a mammalian cell containing the DNA of claim 18,  
wherein said DNA contains said gene or contains a DNA sequence that allows expression  
of said gene.

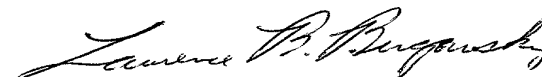
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***Remarks***

The claims have been amended to cancel certain claims and add new claims. All the subject matter in the new claims finds support in the original claims and have been added to eliminate multiply-dependent claims. The amendment in the specification has been made to insert the priority information. No new matter was added with these amendments. Applicants request that this Preliminary Amendment be entered.

Respectfully submitted,

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